

**Introduced by Senator Benoit**

February 14, 2009

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An act to amend Section 538d of the Penal Code, relating to crime.

LEGISLATIVE COUNSEL'S DIGEST

SB 169, as amended, Benoit. ~~Peace officers: impersonation.~~  
*Identification: honorably retired peace officers.*

Existing law makes it a crime for a person, who is not a peace officer, to impersonate a peace officer, as specified.

This bill would authorize the head of ~~a local~~ *an* agency that employs *specified* peace officers to issue identification in the form of a badge, insignia, emblem, device, label, certificate, card, or writing that clearly states ~~that the person's position as an~~ *that the person has* honorably retired ~~following service as a~~ *following service as a* peace officer from that agency, as specified. The bill would also authorize the head of ~~a local~~ *an* agency to revoke identification granted pursuant to those provisions in the event of misuse or abuse.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 538d of the Penal Code is amended to
- 2 read:
- 3 538d. (a) Any person other than one who by law is given the
- 4 authority of a peace officer, who willfully wears, exhibits, or uses
- 5 the authorized uniform, insignia, emblem, device, label, certificate,

1 card, or writing, of a peace officer, with the intent of fraudulently  
2 impersonating a peace officer, or of fraudulently inducing the  
3 belief that he or she is a peace officer, is guilty of a misdemeanor.

4 (b) (1) Any person, other than the one who by law is given the  
5 authority of a peace officer, who willfully wears, exhibits, or uses  
6 the badge of a peace officer with the intent of fraudulently  
7 impersonating a peace officer, or of fraudulently inducing the  
8 belief that he or she is a peace officer, is guilty of a misdemeanor  
9 punishable by imprisonment in a county jail not to exceed one  
10 year, by a fine not to exceed two thousand dollars (\$2,000), or by  
11 both that imprisonment and fine.

12 (2) Any person who willfully wears or uses any badge that  
13 falsely purports to be authorized for the use of one who by law is  
14 given the authority of a peace officer, or which so resembles the  
15 authorized badge of a peace officer as would deceive any ordinary  
16 reasonable person into believing that it is authorized for the use  
17 of one who by law is given the authority of a peace officer, for the  
18 purpose of fraudulently impersonating a peace officer, or of  
19 fraudulently inducing the belief that he or she is a peace officer,  
20 is guilty of a misdemeanor punishable by imprisonment in a county  
21 jail not to exceed one year, by a fine not to exceed two thousand  
22 dollars (\$2,000), or by both that imprisonment and fine.

23 (c) ~~Any~~ Except as provided in subdivision (d), any person who  
24 willfully wears, exhibits, or uses, or who willfully makes, sells,  
25 loans, gives, or transfers to another, any badge, insignia, emblem,  
26 device, or any label, certificate, card, or writing, which falsely  
27 purports to be authorized for the use of one who by law is given  
28 the authority of a peace officer, or which so resembles the  
29 authorized badge, insignia, emblem, device, label, certificate, card,  
30 or writing of a peace officer as would deceive an ordinary  
31 reasonable person into believing that it is authorized for the use  
32 of one who by law is given the authority of a peace officer, is guilty  
33 of a misdemeanor, except that any person who makes or sells any  
34 badge under the circumstances described in this subdivision is  
35 subject to a fine not to exceed fifteen thousand dollars (\$15,000).

36 (d) (1) The head of ~~a local~~ an agency that employs peace  
37 officers as defined in Sections 830.1 and 830.2 is authorized to  
38 issue identification in the form of a badge, insignia, emblem,  
39 device, label, certificate, card, or writing that clearly ~~states the~~  
40 person's position as an honorably retired peace officer states that

1 *the person has honorably retired following service as a peace*  
2 *officer from that agency.*

3 *(2) If the head of an agency issues a badge to an honorably*  
4 *retired peace officer that is not affixed to a plaque or other*  
5 *memento commemorating the retiree's service for the agency, the*  
6 *words "Honorably Retired" must be clearly visible above,*  
7 *underneath, or on the badge itself.*

8 *(3) The head of a local agency that employs peace officers*  
9 *as defined in Sections 830.1 and 830.2 is authorized to revoke*  
10 *identification granted pursuant to this subdivision in the event of*  
11 *misuse or abuse.*

12 *(4) For the purposes of this subdivision, the term "honorably*  
13 *retired" does not include an officer who has agreed to a service*  
14 *retirement in lieu of termination.*

15 (e) (1) Vendors of law enforcement uniforms shall verify that  
16 a person purchasing a uniform identifying a law enforcement  
17 agency is an employee of the agency identified on the uniform.  
18 Presentation and examination of a valid identification card with a  
19 picture of the person purchasing the uniform and identification,  
20 on the letterhead of the law enforcement agency, of the person  
21 buying the uniform as an employee of the agency identified on the  
22 uniform shall be sufficient verification.

23 (2) Any uniform vendor who sells a uniform identifying a law  
24 enforcement agency, without verifying that the purchaser is an  
25 employee of the agency, is guilty of a misdemeanor, punishable  
26 by a fine of not more than one thousand dollars (\$1,000).

27 (3) This subdivision shall not apply if the uniform is to be used  
28 solely as a prop for a motion picture, television, video production,  
29 or a theatrical event, and prior written permission has been obtained  
30 from the identified law enforcement agency.